

Application No.: 09/727,530

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Docket No.: 509982000600

REMARKS/ARGUMENTS

In an Office Action mailed on September 4, 2003, claims 8-19 were allowed. Claims 1-7, 20-22, 26, 27, and 29-33 were rejected. Claims 28 and 30 were objected to.

By this Amendment, claims 20-22, 25, 28, 32, and 33 have been canceled. Claims 1, 2, and 26 have been amended. New claims 34-48 have been added.

I. Claims Rejections – 35 USC 103

Claims 1-7, 20-22, 26-27, 29, 30-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,963,329 (the Conrad reference). Applicants request reconsideration in view of the following remarks.

A. Claims 1-7

Claim 1 has been amended to recite, in part, "compiling a run-time library of profiles from the master library of profiles using the second parameter set." Applicants assert that the Conrad reference does not disclose or make obvious this limitation. Thus, Applicants assert that amended claim 1 is allowable. Additionally, Applicants assert that claims 2-7 and new claims 34-39 are allowable for at least the reason that they depend from an allowable independent claim.

B. Claims 20-22

Claims 20-22 have been canceled.

C. Claims 26-27 and 28

The Examiner objected to claim 28 as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form. Claim 26 has been amended to include the limitations of claim 28, and claim 28 has been canceled. Thus, Applicants assert that claim 26 and claim 27, which depends from claim 26, are allowable.

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D. Claim 29

The Examiner rejected claim 29 by referring to claim 26 of the Conrad reference for comparison. Claim 26 of the Conrad reference recites, in part, "adjusting said model structure and repeating said steps (e) and (f) to improve agreement in said comparing step (f)..." Applicants assert that this does not disclose or make obvious claim 29 of the present application, which recites, in part, a master library, a starting run-time library, and a replacement run-time library.

E. Claim 30-33

With regard to claim 30, Applicants assert that claim 30, which depends from claim 29, is allowable for at least the reason that it depends from an allowable independent claim.

Claim 31 recites, in part, a master library and a run-time library. More particularly, claim 31 recites, in part, "the library generator creates a master library of profiles when the type of library specified by the parameter set is for the master library and creates a run-time library of profiles when the type of library specified by the parameter set is for the run-time library." Applicants assert that the Conrad reference does not disclose or make obvious this limitation. Instead, the Conrad reference merely states, "a library of line profiles curves can be used instead of or in combination with iterating from a seed profile."

Claims 32 and 33 have been canceled.

II. Allowable Subject Matter**A. Claims 8-19**

Claims 8-19 were allowed. Applicants thank the Examiner for the allowance of claims 8-19.

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B. Claims 28 and 30

Claims 28 and 30 were objected to as being dependent upon rejected base claims. As noted above, claim 26 has been amended to include the limitations of claim 28, and claim 28 has been canceled. As also noted above, Applicants assert that claim 29, from which claim 30 depends, is allowable over the Conrad reference. Thus, claim 30 is allowable for at least the reason it depends from an allowable independent claim.

C. Claim 23

The Office Action Summary did not indicate claim 23 as having been allowed. However, in the heading, "Allowable Subject Matter," the Examiner states, "[a]s to claim 23, the prior art of record, taken alone or in combination, fails to disclose or render limitations 'flagging the grating spectrum...in the run time library' and 'selecting the profile...grating spectrum data', in combination with the rest of the limitations of claims 8 and 14."

Applicants agree that the Conrad reference does not disclose "flagging the grating spectrum...in the run-time library," as recited in claim 23. However, Applicants notes that claim 23 is an independent claim and thus does not necessarily include the limitations of claims 8 and 14. Thus, Applicants request reconsideration of the reason for allowance of claim 23.

III. New Claims

New claims 34-48 have been added. As noted above, claims 34-39 depend from claims 1. Thus, claims 34-39 are allowable for at least the reason that they depend from an allowable independent claims.

New independent claims 40 and 46 recite, in part, "compiling a run-time library of profiles from a master library of profiles." New independent claim 43 recites, in part, "create a run-time library based on the master library of profiles." New claim 47 recites, in part, "the run-time library of profiles was compiled from a master library of profiles."

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Applicants assert that the Conrad reference does not disclose a run-time library and a master library. Thus, Applicants assert that independent claims 40, 43, 46, and 47 are allowable. Additionally, Applicants assert that claims 41, 42, 44, 45, and 48 are allowable for at least the reason that they depend from allowable independent claims.

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IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509982000600.

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Respectfully submitted,

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